

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-cv-00497-BO-RN

AMELIA MILLER,)
)
 Plaintiff,)
)
 v.)
)
 MARTIN O'MALLEY¹,)
 Commissioner of Social Security,)
)
 Defendant.)

ORDER


This matter is before the Court based on Plaintiff's Memorandum in Support of Motion for Judgment on the Pleadings and Defendant's Motion for Remand to the Commissioner. Plaintiff, through counsel, consents to Defendant's Motion for Remand to the Commissioner.

For good cause shown, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

The Clerk of the Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

SO ORDERED this 22 day of February 2024.


TERRENCE W. BOYLE
United States District Judge